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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,693	11/30/2000	Wolfgang Fraas	112740-114	7197

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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

JACK, TODD M

ART UNIT	PAPER NUMBER
2133	10

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/701,693

Applicant(s)

FRAAS ET AL.

Examiner

Todd M Jack

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Detailed Action*.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 12-22 have been considered but are moot in view of the new ground(s) of rejection. The examiner finds that Brown (6,678,733) in view of Fryer teach the patent application.

Response to Amendment

The amendment filed on 02/23/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Brown reference.

Specification

The preliminary amendment was not entered due to the fact that too many changes were made to permit the technician to be assured of correctly entering the amendments to the specification. The USPTO requests that a new specification incorporating the amendments be submitted with your response to the examiner's action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 12-19 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (6,678,733).

Claim 12: Brown teach a computer keyboard, mouse, and hard drive for performing memory access, graphics creation, and/or network access (Fig. 5, #520), various levels of client software program modules and hardware executing on the client where the hardware for executing the software and performing the basic functions is supported by the client and device drivers for various hardware elements sit between the operating system and the hardware (col. 6, lines 7-24), memory is connected to the computer CPU (Fig. 5, #506), each user has a unique identification stored in the database which is used to log into the client (col. 7, lines 35-40), an input/output controller for communicating with external devices such as storage devices and hard copy output devices and/or a network adaptor for communicating with a local-area network (col. 6, lines 3-5).

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Claim 13: Further, Brown teach servers which hold one or more sites for providing network-based services to the users (col. 7, lines 60-67) where the service have an associated database for holding permissions available to the user (col. 8, lines 1-10), the CPU is coupled via a bus to random access memory, read only memory, and a non-volatile memory (col. 5, lines 24-37), and a CPU can be any type of general or specific purpose processor and processes instructions and data for providing the functionality described where the CPU is coupled via a bus to memories (col. 5, lines 15-37).

Claim 14: Further, Brown teach the CPU is coupled via a bus to RAM, ROM and non-volatile memory (col. 5, lines 29-38). Since the memory is coupled to the CPU via a bus, it can be considered to be in a back plane.

Claim 15: Further, Brown teaches a shell program which is a controlling application storing user preferences (col. 6, lines 43-46).

Claim 16: Further, Brown teaches each user has a unique identification stored in the database, which is used to log into the client (col. 7, lines 35-40).

Claim 17: Further, Brown teaches each user has a unique identification stored in the database, which is used to log into the client (col. 7, lines 35-40).

Claim 18: Further, Brown teaches each user has a unique identification stored in the database, which is used to log into the client (col. 7, lines 35-40).

Claim 19: Further, Brown teaches the user information is preferably stored in a local database where the record is associated with the user's login information and (col. 7, lines 39-44) and various levels of client software program modules and hardware executing on the client where the hardware for executing the software and performing the basic functions is supported by the client and device drivers for various hardware elements sit between the operating system and the hardware (col. 6, lines 7-24)

Claim 21: Further, Brown teaches the CPU is coupled to the RAM via a bus (col. 5, lines 29-34). A RAM is a semi-conductor device in an electronic chip form where memory is stored.

Claim 22: Further, Brown teaches the walled garden network and the network connecting the various servers may actually be a single network that is logically divided into separate networks. The functionality ascribed to a single network, sever, or database in the description may actually be performed by multiple networks, servers, and/or databases. (col. 10, lines 38-52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Fryer.

Claim 20: Nelson fails to teach a smart card reader as the identification device. Fryer teaches a smart card used with a computer or electronic circuit board with built-in logic or firmware that give it some kind of independent decision-making ability (page 439, col. 1, paragraph 8). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Nelson's firmware upgrade feature by including a smart card reader. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so in order to identify the user through the use of a smart card.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M Jack whose telephone number is 703-305-1027. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

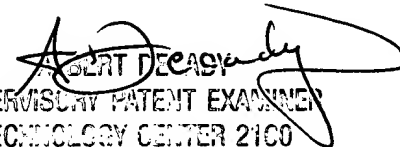
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.



Todd Jack
703-305-1027

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ALBERT DEASY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100